

II. REMARKS

Preliminary Remarks

This Amendment is submitted in accordance with the revised format. Upon entry of this Amendment, claims 1-11 and 13-33 will be at issue, of which claims 1 and 18 are independent. This amendment is filed one month after the shortened statutory period for reply along with the requisite fee.

Claims 1-11 and 13-15 are amended to better correspond to current U.S. patent practice and to correct minor typographical errors. Claim 1 is also amended to limit it to water-soluble amphiphilic cationic associative polyurethanes of formula (I) with r between 1 and 100. Claim 13 is amended to be directed to a cosmetic composition thickened or gellified with at least one water-soluble polyurethane according to claim 1.

New claim 16 is dependent on claim 1 and limits r to an integer between 1 and 50. New claim 17, also dependent on claim 1, limits r to an integer between 1 and 25. New claims 18-33 are equivalent to claims 1-11 and 13-17 and are drawn to water-dispersible amphiphilic cationic associative polyurethanes of formula (I). Support for the claim amendments and the new claims can be found in the specification and claim as originally filed (e.g., paragraphs 2-4 on page 3). Therefore, the applicants believe that no new matter has been added as a result of these amendments and respectfully request reconsideration and allowance of the present application.

Patentability Remarks –

Rejections Based Upon 35 U.S.C. §112, second paragraph:

Claims 10 and 11 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for the following reasons.

- Claim 10 allegedly lacked antecedent basis for R_5 and R_7 : Claim 10 is amended to define R_5 and R_7 ;
- Claim 11 allegedly was vague because of the phrase “a group derived from a polymer selected from the group consisting of polyethers, sulphonated polyesters and sulphonated polyamides”: Claim 11 is amended to remove the term “a group derived from”.

In light of the amendments to claims 10 and 11, the rejections under 35 U.S.C. §112, second paragraph are moot.

Rejections Based Upon 35 U.S.C. §103(a):

Claims 1-11 and 13-15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Laine *et al.* (U.S. Pat. No. 4,617,341). The applicants respectfully traverse.

As amended, claims 1-11 and 13-15 are directed to a water-soluble amphiphilic cationic associative polyurethanes of formula (I). In contrast, Laine *et al.* disclose urethane latex, which is insoluble in water, evidenced by the fact that Laine *et al.* form an emulsion of the urethane latex in water using a third solvent (column 5, lines 13-16). There is no teaching or suggestion in Laine *et al.* directing one skilled in the art to modify water-insoluble urethane latex water-to soluble amphiphilic cationic associative polyurethanes of the present invention. Therefore, claims 1-11 and 13-15 are patentable over Laine *et al.* Claims 16 and 17 are dependent on, and further limit, claim 1. Therefore, claims 16 and 17 are also patentable over Laine *et al.* for at least the same reasons.

Claims 18-33 are directed to water-dispersible amphiphilic cationic associative polyurethanes of formula (I) as read on the species in Example 1 (bottom of page 14 to top of page 15). This polymer can be represented as:



The urethane latex of Laine *et al.* is different from the polyurethanes of the present invention in at least the following characteristics:

Characteristic	Laine <i>et al.</i>	Present Invention
PEG unit	Group R ₂ connected to the unit containing the quaternary nitrogen on one side and a diisocyanate unit on the other	Connected at <u>both</u> ends to a diisocyanate unit
Diisocyanate unit	Aromatic	Aliphatic
Fatty acid chains	Group R ₃ bound <u>directly</u> to quaternary nitrogen atom	Terminal groups bound <u>indirectly</u> to a quaternary nitrogen (via a diisocyanate unit)
Terminal alkyl groups	Maximum of 4 carbons (column 2, line 9)	Greater than 4 carbons

Laine *et al.* do not provide any teaching or suggestion to one skilled in the art to modify the structure of the urethane latex to the polyurethane of the present invention. Therefore, claims 18-33 are patentable over Laine *et al.*

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The applicants respectfully submit that this application is in condition for allowance and request a timely Notice to that effect. Should questions relating to patentability remain, the examiner is strongly urged to contact the undersigned at the number indicated.

Respectfully submitted,

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